

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Hon. Anne E. Thompson

v.

CARY LEE PETERSON

Crim No. 16-CR-230

RECEIVED

AUG 31 2016

AT 8:30
WILLIAM T. WALSH CLERK M

STIPULATED PROTECTIVE ORDER

This matter having come before the Court on the joint application of the United States, by Paul J. Fishman, United States Attorney for the District of New Jersey (by Jonathan M. Peck, Assistant U.S. Attorney), and the defendant Cary Lee Peterson (by Brian P. Reilly, A.F.P.D.) for a protective order for pre-trial proceedings in the above-captioned criminal matter (the "Protective Order"), pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure; and

WHEREAS, the defendant is charged in a three-count Indictment with, in Counts One and Two, false certification in violation of Title 18, United States Code, Section 1350; and in Count Three, securities fraud in violation of Title 15, United States Code, Sections 78j(b) and 78ff, and Title 17, Code of Federal Regulations, Section 240.10b-5.

WHEREAS, the parties seek an Order protecting from disclosure to the public any documents, the information contained therein, and other information provided by the Government to the defendant and his counsel of record during the course of this criminal litigation—including any documents or other

information provided in compliance with the Government's disclosure obligations pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Title 18, United States Code, Section 3500, Brady v. Maryland, United States v. Giglio, and the Court's Scheduling Order dated June 10, 2016—which may contain personal-identifying information of third parties, including but not limited to names, Social Security numbers, dates of birth, bank account numbers, email addresses, physical addresses, and telephone numbers, as well as sensitive, nonpublic information gathered during the course of the investigation which relates to information and facts concerning both charged and uncharged conduct by the defendant and others (hereinafter, the "Protected Information"); and

WHEREAS, the parties have agreed that the protections and procedures in this Stipulated Protective Order that regulate the disclosure and use of Protected Information will not impede the defendant's ability to prepare for his defense, but merely will protect against the improper dissemination or use of any personal, sensitive information contained in Protected Information.

Therefore, IT IS HEREBY STIPULATED AND AGREED that the following provisions shall govern the handling of Protected Information during pre-trial proceedings:

1. In addition to making Protected Information available to the defense for inspection, review, and copying, the Government is authorized to provide defense counsel with their own copy of Protected Information to facilitate preparation for trial.

2. Access to Protected Information will be restricted to the defendant, his counsel of record, counsel's agents (including affiliated attorneys, paralegals, staff, investigators, and retailed experts), and prospective witnesses (to the extent deemed necessary by defense counsel for trial preparation), (collectively, the "Defense").

3. The following restrictions will be placed on the Defense unless further ordered by the Court. The individuals designated in paragraph 2 shall not:

- a. Duplicate Protected Information for, or allow copies of any kind to be made by, any other person, or allow Protected Information to be otherwise disseminated;
- b. Allow any other person to read, view or possess Protected Information; or
- c. Use Protected Information for any other purpose other than preparing to defend against the charges in this case.

4. Defense counsel shall advise any person to whom Protected Information is disclosed that such information should be held in strict confidence and that further disclosure or dissemination is prohibited.

5. Any Protected Information filed with the Court shall be filed under seal.

6. Defense counsel shall store the Protected Information in a secure place and shall use reasonable care to ensure that the Protected Information is not disclosed or disseminated to any third party in violation of this Protective

Order. In the event of any inadvertent disclosure of Protected Information, counsel for the defendant shall promptly notify the Government as to the identity of the recipient of the inadvertently produced Protected Information and shall use all reasonable efforts to secure the return or destruction of the inadvertently produced Protected Information.

7. The restrictions set forth in this Stipulated Order shall not restrict the use or introduction as evidence of discovery materials containing Protected Information during the trial in this matter, if the inclusion of such information is relevant to the case and the Court and the Government are given prior notice of the defendant's intent to use such information at trial.

8. This stipulation is binding on all future and successor counsel, and applies to Protected Information disclosed to the defense prior to the date of this Protective Order.

Form and entry consented to:

Brian Reilly
Brian P. Reilly, A.F.P.D.
Counsel for Defendant

Jonathan M. Peck
Jonathan M. Peck
Assistant United States Attorney

ORDER

IT IS SO ORDERED this 31 day of August, 2016:

Anne E. Thompson
HON. ANNE E. THOMPSON
United States District Judge